IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 4118 of 2007()

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CRIME NO.123/2007 OF KUTHUPARAMBA POLICE STATION

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PETITIONERS/ACCUSED:

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SURENDRAN, S/O.RAMAN,
PENATHIKOOVAL HOUSE, PATHIRIYAD P.O.,
KUNNIRIKKA DESOM, KOOTHUPARAMBA.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT AND STATE:

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1. THE SUB INSPECTOR OF POLICE,
KUTHUPARAMBA POLICE STATION.

2. STATE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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B.A.No.4118 of 2007

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Dated this the 9th day of July 2007

**O R D E R**

Application for anticipatory bail. The petitioner faces allegations under Sections 420 and 376 I.P.C. The crux of the allegations against the petitioner is that he committed rape on the defacto complainant/prosecutrix by fraudulently inducing her to believe that he shall marry her. Crime was registered on the basis of a private complaint which was referred to the police under Section 156(3) Cr.P.C. The allegations in the complaint that there was an earlier attempt by the local people to settle the dispute and it has in fact been settled. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. It is not necessary for me to advert to facts in any greater detail in the light of the stand taken by the learned Public Prosecutor. Suffice it to say that the learned Public Prosecutor has taken me through the relevant assertions of the complainant herself of what had been transpired on the date of the incident and thereafter.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 16/7/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 17/07/2007 and 18/07/2007. The investigator shall, during the investigation, will be entitled to get a potency test conducted and interrogate the petitioner and effect recoveries if any. Thereafter the petitioner shall so appear on all Mondays and Fridays between 10 a.m and 12 noon for a period of three months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he was arrested prior to 16/07/2007, he shall be released on bail on his executing a bond for Rs.50,000/-(Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16/07/2007.

**(R.BASANT, JUDGE)**

jsr

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007